

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                         |   |                        |
|-------------------------|---|------------------------|
| EUGENE BLAKELY, JR.,    | ) | CASE NO. 3: 07 CV 2689 |
|                         | ) |                        |
| Petitioner,             | ) |                        |
|                         | ) | JUDGE DONALD C. NUGENT |
| v.                      | ) |                        |
|                         | ) |                        |
| JESSE WILLIAMS, Warden, | ) | MEMORANDUM OPINION     |
|                         | ) | AND ORDER              |
| Respondent.             | ) |                        |

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Greg White. The Report and Recommendation (ECF # 17) is ADOPTED by this Court, and Petitioner's motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 (ECF # 1) is DENIED.

On September 2, 2003, a jury found Petitioner guilty of murder in violation of Ohio Revised Code § 2903.02(A), together with a specification that he displayed, brandished, indicated possession of or used a firearm during the commission of the offense in violation of O.R.C. § 2941.145. Petitioner was sentenced to an aggregate term of eighteen years to life in prison.

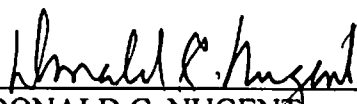
Petitioner filed this motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 on September 5, 2007, raising two grounds for relief.

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge White for the preparation of a report and recommendation. On November 20, 2008, Magistrate Judge White recommended that this Court deny the Petition. Petitioner has not filed any objections to the Report and Recommendation.

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). The Court finds Magistrate Judge White's Report and Recommendation to be well-written, well-supported, and correct. Therefore, the Report and Recommendation (ECF # 17) is ADOPTED in its entirety. Petitioner's motion to vacate, set aside, or correct the sentence is DENIED.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

  
DONALD C. NUGENT  
United States District Judge

DATED: December 16, 2008